

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division



WALKER DIGITAL, LLC,

Plaintiff,

v.

CAPITAL ONE SERVICES, LLC, *et al.*,

Defendants.

Civil Action No. 1:10cv0212 (JFA)

ORDER

On Friday, July 2, 2010, counsel for the parties appeared before the court and presented argument on defendants' Motion for Summary Judgment of Non-Infringement. (Docket no. 54). The court has considered the motion, the memorandum in support (Docket no. 55), the plaintiff's opposition (Docket no. 61), the defendants' reply (Docket no. 63), the plaintiff's supplemental brief (Docket no. 71), the defendants' supplemental brief (Docket no. 72), and the arguments of counsel. For the reasons stated from the bench, the court finds that there are no genuine issues of material fact and that defendant is entitled to judgment of non-infringement as a matter of law. Accordingly, it is hereby

ORDERED that the motion is granted. It is further

ORDERED that judgment be, and hereby is, entered in favor of defendants Capital One Services, LLC; Capital One Bank (USA), N.A.; and Capital One Financial Corporation on the claims raised in the First Amended Complaint.

Defendants shall provide the court with notification of whether they wish to pursue their counterclaim by July 8, 2010.

Entered this 2nd day of July, 2010.

/s/ John F. Anderson
United States Magistrate Judge

Alexandria, Virginia